

SO ORDERED.

SIGNED this 6th day of February, 2018.



Catharine R. Aron

UNITED STATES BANKRUPTCY JUDGE

**UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF NORTH CAROLINA
WINSTON-SALEM DIVISION**

IN RE:

ALEVO MANUFACTURING, INC., et al., CASE NO. 17-50877
DEBTORS. (CONSOLIDATED FOR PURPOSES OF
ADMINISTRATION ONLY)
CHAPTER 11

**ORDER GRANTING MOTION BY THE DEBTORS FOR APPROVAL OF
SETTLEMENT WITH ORMAT NEVADA, INC. AND ORNI 54, LLC**

This matter came before the Court for hearing on January 30, 2018 upon Motion by the Debtors for Approval of Settlement with Ormat Nevada, Inc. and ORNI 54, LLC (D.E. 257, the “Motion”), filed on December 21, 2017, and served with due and proper notice on all required parties. Appearing at the Hearing in person were Terri Gardner for the Debtors, William Miller and Sarah Bruce on behalf of the Bankruptcy Administrator, and by telephone was John Penn for Ormat Nevada, Inc. and ORNI 54, LLC. The Court, having considered the Application, the comments of parties wishing to be heard and the official file, finds as follows:

1. This Court has jurisdiction over this Motion under 28 U.S.C. §§ 157 and 1334.

This matter is a core proceeding within the meaning of 28 U.S.C. § 157(b)(2)(A) and (N). Venue is proper in this district pursuant to 28 U.S.C. §§ 1408 and 1409.

The statutory bases for the relief requested herein are sections 105, 363 and 365 of the Bankruptcy Code.

2. The Debtors continue to control and oversee their assets as a debtor in possession pursuant to sections 1107(a) and 1108 of the Bankruptcy Code.

3. The “Release, Waiver and Settlement Agreement” (the “Settlement”) was attached as Exhibit A to the Motion.

4. The Debtors provided the details of the Settlement in advance to Bootsmead LeaseCo, LLC (the “Lender”), and to the extent the Lender has any rights in the Contracts or membership interest, it has agreed to the terms of the Settlement and indicated that it will not now or hereafter assert any lien, claim or interest in the Company or Project except as the Alevo Entities may have through the Option (as defined in the Motion).

5. The Debtors provided the details of the Settlement to the Official Committee of Unsecured Creditors (the “Creditors Committee”) and the Creditors Committee does not oppose the Settlement.

6. The Settlement is in the best interest of creditors and the Debtors’ Estates because, among other things, the Debtors are subject to large claims by the Ormat Entities (as defined in the Motion) and the Settlement will result in a release of the claims and an option for the Debtors to purchase the interest of the Ormat Entities in the Project (as defined in the Motion).

7. The Settlement shall be deemed to be consummated upon the entry hereof without further action by the Debtors or Ormat Entities and without further order of this Court.

8. The proofs of claim filed by the Ormat Entities are hereby deemed to be withdrawn upon the entry hereof.

9. This Court retains jurisdiction to enforce the terms of this Order.

Based on the Court's findings of fact and conclusions of law, **IT IS THEREFORE ORDERED, ADJUGED, AND DECREED** that the Motion is GRANTED and the Settlement is approved.

IT IS FURTHER ORDERED, ADJUGED, AND DECREED the Settlement shall be deemed to be consummated upon the entry of this Order.

END OF DOCUMENT

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